

MINUTES
FOUNTAIN HILL BOROUGH COUNCIL
April 7, 2008
7:00 P. M.

President Rapp called the meeting to order. Pledge of Allegiance followed. Attendance as follows: Mr. Rapp, Mr. Blatt, Jr., Ms. Halleman, Mr. Trotter, Jr.; Mr. Grotenhuis and Ms. Gifford-Elkington. Excused: Mr. Capuano. Others: Mayor Ned Fink, Mr. Randy Soriano, Executive Secretary; Mr. Donald Lipson, Esquire; Chief of Police Timothy Stephens; Mr. Gus Entler, Public Works Supervisor; Mr. Dale Koch, Emergency Management Coordinator(Excused); Mr. Dan Pope, Fire Chief; Annemarie Jordan, Library Representative; Mr. Robert Erland, St. Luke's Hospital Liaison; Press.

APPROVAL OF MINUTES

On a motion by Ms. Gifford and seconded by Mr. Blatt, Jr., the minutes of the March 3, 2008 Regular Council meeting were approved on a unanimous voice vote.

On a Motion by Mr. Trotter, Jr. and seconded by Mr. Blatt, Jr., the minutes of the March 19, 2008 Special Meeting were approved on a unanimous voice vote.

PRIVILEGE OF THE FLOOR

No comments.

MAYOR'S REPORT

Mayor Fink read the police reports. Mayor Fink read the police crime report for the month of March, 2008 pointing out the changes from the previous year monthly report. Total Crimes: 47 versus 33, an increase of 14 over the same period. Part I Offenses: 17 versus 13, an increase of 4. Part II Offenses: 30 versus 20, an increase of 10. Mayor Fink stated that the report was prepared and submitted by Investigator Matthew Schrey. Mayor Fink read the abandoned vehicles report submitted by Officer Hochwarter: Total abandoned vehicles reported-7; Cases Cleared-5; Cleared from Previous Month-1; Towed-1; Cited-1; Unfounded-0. Mayor Fink read the fines and tickets collected during the month of March 2008 totaling \$700. Mayor Fink reported that the District Judge Anthony Rapp collected \$6,129.79 in fines.

Mayor Fink read a letter from PPL regarding the implementation of a recycling program for fluorescent light bulbs. Mayor Fink will discuss its details at the next work session.

Mayor Fink read a letter from Attorney Norm Blatt, Jr. praising the efforts of Investigator Schrey and Chief Stephens in recovering personal items stolen from his car.

EXECUTIVE SECRETARY'S REPORT

Mr. Soriano brought forth the letter from Dr. Hayman Salib, 736 Delaware

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Avenue, who is requesting, through his Engineer, waivers from the following sections of the Storm Water Management Ordinance. Following is the text from the Engineer's letter dated March 31, 2008:

"Dear Mr. Soriano

On behalf of the developer, Dr. Hayman Salib, I request the Township's[Borough's] consideration of the following waivers in connection with this development:

1. Waiver of Stormwater Management Section 123.15 which requires that the applicant meet all requirements and regulations of an NPDES permit;

a. The entire disturbance that this site will produce is less than one acre. The Department of Environmental Protection does not require an NPDES permit for sites with disturbance of less than one acre;

b. This plan must be reviewed and approved by the Lehigh County Conservation District.

2. Waiver of Stormwater Management Section 127.10.D.2 which requires that infiltration facilities in carbonate areas maintain a separation distance of one hundred (100) feet up-gradient from all building foundations;

a. Soil testing was completed on the site and only a few areas existed where infiltration could be implemented;

b. The geometry and small size of the size restrict the area where infiltration can be used;

c. The southern edge of the infiltration bed is now at a minimum 95 feet away from the nearest foundation. Previous plan submissions had the infiltration bed 88 feet away;

d. Approximately 85% of the total infiltration area is greater than 100 feet up-gradient of the nearest foundation. Previous plan submissions had 79% of the total area greater than 100 feet up-gradient of the nearest foundation;

e. The infiltration loading rate is now within acceptable limits according to the Stormwater Ordinance. Stormwater calculations contained within previous versions of this land development plan had exceeded the maximum loading rate.

3. Waiver of Stormwater Management Section 127.10.D.4 which requires that infiltration facilities in carbonate areas maintain a separation distance of one hundred (100) feet from any property line;

a. Soil testing was completed on the site and only a few areas existed where infiltration could be implemented;

b. No areas exist on the site that is 100 feet from any property line.

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4. Waiver of Stormwater Management Section 127.10.A - which requires that the invert of infiltration facilities in carbonate geology be equal to or greater than 2 feet;

a. Minimal areas on the site were even suitable for infiltration, and those that were available were utilized;

b. The topography of the site limits the depths at which a continuous infiltration area can be installed.

Thank you for your time and consideration of these matters.

Sincerely,
Brian E. Gasda "

Mr. Soriano noted that the Developer received final approval of the land development for the MOB contingent on the Governing Body approving the Waivers and curb cuts on Delaware Avenue and Fiot Street. Mr. Soriano asked Mr. Gasda to make a short presentation on the request. Mr. Gasda outlined the major points of the Land Development at 736 Delaware Avenue and explained in layman terms the nature of his request.

Ms. Halleman moved to approve the waivers as outlined in the March 31, 2008 and curb cuts/crossovers on Delaware Avenue and Fiot Street for the land development plan at 736 Delaware Avenue in order to construct a new Medical Office Building. Motion seconded by Mr. Trotter, Jr. Unanimous voice vote.

Mr. Soriano read a letter from the Fire Chief, Dan Pope, requesting Council to establish No Parking on the south side of Moravia Street from Clewell Street to Lynn Street. Mr. Pope noted that it is extremely difficult to maneuver emergency vehicles with cars parked on both side of the street. Chief Stephens requested that Council table this request and allow him more time to analyze the situation.

Ms. Gifford moved to table the request from Chief Pope to prohibit parking on Moravia Street from Clewell to Lynn Street. Motion seconded by Mr. Trotter, Jr. Unanimous voice vote.

Mr. Soriano announced that on April 3, 2008, the Borough opened bids for the Televisual Monitoring of the Sanitary Sewer Area 1, 3, 4. Mr. Soriano read the Bids received:

COMPANY NAME	ADDRESS	AMT OF BID
Utility Services Group, Inc. Sewer Specialty Service Co., Inc.	P.O. Box 3143, Shiremanstown, PA 17011	\$ 16,735.50
Dukes East Coast Utility Tech.	2462 New Road, Leicester, NY 14481	\$ 19,855.50
Video Pipe Services, Inc. Pipe Services Corporation	122 Duke Drive, Syracuse NY 13204 1566 Harding Highway, Newfield NJ 08344- 5220	\$ 23,990.25
	P.O. Box 29 Cheyney, PA 19319	\$ 24,202.50
		\$ 24,676.00

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Mr. Rehab	3 Long Lane, Mechanicsburg, PA 17050	\$ 24,963.75
Abel Recon	P.O. Box 476 Mountville, PA 17554	\$ 25,405.50
Insight Pipe Contracting, L.P.	232 E. Lancaster Rd., Harmony, PA 16037	\$ 32,347.50
TRB	777 Annapolis Rd., Gambrills, MD 21054	\$ 35,771.20
Tri-State Grouting	P.O. Box 99, Bear, DE 19701	\$ 37,837.50
PIM Corporation	201 Circle Drive No. Ste 106, Piscataway, N.J.08854	\$ 52,383.75
Allstate Power Vac	928 E. Hazelwood Ave., Rahway, NJ 07065	\$ 54,100.00

Mr. Soriano noted that the Borough Engineer has reviewed the Bids and has found no discrepancies in the mathematical figures submitted. Mr. Soriano noted that the Engineer has also checked references for the top six bidders and all have proven to have the experience to satisfactorily complete the job.

Mr. Trotter, Jr. made a Motion to award the Bid to Utility Service Group, Inc., P.O. Box 3143, Shiremanstown, PA 17011 in the amount of \$16, 735.50 and to authorize the Council President and Executive Secretary to sign the Agreement upon receipt of the required Bonds and Insurance. Ms. Halleman seconded the motion. The Motion passed by unanimous voice vote.

Mr. Soriano announced that the applicant chosen for the Laborer position in the Public Works Department had not responded to the offer and urged Council to rescind the offer of employment.

Mr. Blatt, Jr. moved to rescind the offer of employment to Matthew Dimmick for the Public Works Laborer position and to continue to accept applications for the position. Seconded by Ms. Gifford. Unanimous voice vote.

Mr. Soriano noted that Ms. Gillian Raines had accepted the position of Pool Manager for the upcoming season and would like Council to ratify the offer.

Ms. Gifford moved to hire Ms. Raines for the position of Pool Manager with a pay of \$12/hr. Motion seconded by Mr. Grotenhuis. Unanimous voice vote

Mr. Soriano announced that the Fountain Hill Elementary PTA has asked for a donation from the Borough for a season pool pass, similar to last year's request.

Mr. Grotenhuis made a motion to approve the request from the Fountain Hill Elementary PTA for a donation of a Pool Pass. Motion was seconded by Ms. Gifford. Unanimous voice vote.

Mr. Soriano noted that the Borough is in the process of submitting an application for a HUD Grant through the County of Lehigh to fund Phase 3 of the Spiegel Street Storm Sewer Replacement. Mr. Soriano read Resolution 2008-04, as follows:

RESOLUTION 2008-04

APPROVING THE SUBMISSION OF AN APPLICATION TO LEHIGH COUNTY FOR HUD 2008 CDBG FUNDING

WHEREAS, The Borough of Fountain Hill is experiencing an aging storm water infrastructure that has resulted in the collapse of storm sewer pipes along Spiegel Street and Stanley Avenue; and

WHEREAS, The Borough Council, commissioned the Borough Engineer to develop a plan to address the replacement of the storm sewer from Dodson Street to Lynn Street, and the Engineering report determined that the aging storm sewer system should be replaced with newer pipes to prevent a further collapse and to alleviate the flooding; and

WHEREAS, Borough Council has determined the cost of replacement of the Storm Sewer for Phase 3 to be approximately \$200,000 and is exploring available Grants to fund this work.

NOW, THEREFORE, the Council of the Borough of Fountain Hill does hereby authorize Randy Soriano, Executive Secretary to act as the official to prepare and submit a Grant Application to the County of Lehigh for potential funding of this project.

All Resolutions or part of any Resolution conflicting with this Resolution is hereby repealed in its entirety.

Mr. Soriano noted that this is a new requirement of the application process.

Mr. Trotter, Jr. moved to adopt Resolution 2008-04 as read. Motion was seconded by Ms. Gifford. Resolution 2008-04 was approved on unanimous voice vote.

Mr. Soriano brought forth Resolution 2008-05 which would designate the Council President to sign the signature page of a Grant Application the Borough is intending to submit to the PA DCNR for a Feasibility Study for the Pool Bathhouse Renovations. Mr. Soriano noted that the Application is due April 25, 2008.

Motion by Mr. Blatt, Jr. to approve Resolution 2008-05 designating the Council President to sign the signature page of a Grant Application the Borough will submit to the PA DCNR for a Feasibility Study for the Pool Bathhouse Renovations. Mr. Grotenhuis seconded the motion. The Motion passed by unanimous voice vote.

Mr. Soriano noted that the Personnel Committee made revisions to the Personnel Employee Manual that will alter several benefits for Part Time Clerical and Office Employees. Mr. Soriano noted that instead of offering vacation time for this group the Committee decided to offer instead five (5) Personal Days. Mr. Soriano read the Sections impacted by this change, as follows:

VIII. BENEFITS

VACATION

Part Time Clerical Office Employees(Added March 4, 2003)

~~(a.) All Part Time Clerical and Office Employees shall earn vacation days up to a maximum of five (5) days per a calendar year. The annual vacation shall be~~

~~computed on the basis of 1 day earned for each month worked averaged to work a minimum of 30 hours per week.~~

~~(b.) An employee must request vacation time well in advance from his/her immediate supervisor and vacation shall be granted subject to management's responsibility to maintain efficient operations.~~

~~(c.) All vacation earned during a given year must be used in the calendar year. There will be no "banking" or carry over of unused vacation from one calendar year to the next calendar year. All vacation days earned during a given year must be used in the calendar year. There will be no "banking" or carry over of unused vacation for one calendar year to the next calendar year for Part Time employees, except for Part Time employees who are promoted to a Full Time status, which may carry over unused vacation earned from the previous calendar year, subject to usage under VIII(A)(2)(a)(c)." (Added March 19, 2008)~~

~~(d.) If employee terminates employment either voluntary or involuntary, he/she shall not receive payment for any unused vacation days.~~

PERSONAL DAYS

2. Part Time Clerical Office Employees

All Part Time Clerical and Office Employees shall earn Personal days up to a maximum of five (5) days (amended to (3) days) per a calendar year. The Personal days shall be computed on the basis of 1 day earned for each month worked averaged to work a minimum of 30 hours per week.

An employee must request Personal days well in advance from his/her immediate supervisor and Personal days shall be granted subject to management's responsibility to maintain efficient operations. All Personal days earned during a given year must be used in the calendar year.

There will be no "banking" or carry over of unused Personal days from one calendar year to the next calendar year. If employee terminates employment either voluntary or involuntary, he/she shall not receive payment for any unused Personal days. (Added January 1, 2008)

Mr. Blatt, Jr. noted that he still believes that the number of Personal Days should be inline with all other FT employees. Mr. Rapp noted that this was an omission and that the intent was to grant three (3) Personal Days. Mr. Soriano noted that the Committee discussed a swap between allowing 5 days off, instead of vacation days the proposal was to call them Personal Days. A discussion ensued on the changes. Mr. Rapp called for a motion to revise the Personnel Policy with the three (3) Personal Days.

Mr. Blatt, Jr. made a motion to approve the changes to the Personnel Employment Manual as read and revised, to grant three (3) Personal Days to PT Clerical and Office Employees effective January 1, 2008. Motion was seconded by Mr. Trotter. The revisions were approved by a majority voice vote, with Mr. Grotenhuis and Ms. Gifford dissenting.

Mr. Soriano announced that Keystone Consulting Engineering, Inc. is phasing out their inspection services for enforcing the UCC. Mr. Soriano noted that the Borough is recommending that Code Master be appointed to replace KCE in order to act as the Certified Building Official for both residential and commercial services under the UCC. A discussion ensued on having Code Master make a presentation to Council before they are appointed to serve as CBO. Mr. Soriano noted that he will ask Code Master to be present for the next work session on April 23, 2008.

Mr. Trotter, Jr. moved to appoint Code Master as the interim CBO in order to provide review and inspection services for the Borough of Fountain Hill under the Uniform Construction Code. Seconded by Mr. Grotenhuis. Unanimous voice vote.

Mr. Soriano announced that the Civil Service Rules revisions approved by Council last month do not require the Borough to bargain for the changes, but Attorney Knerr recommended that the changes be adopted by Ordinance.

NEW BUSINESS

Mr. Blatt, Jr. asked the status of the Civil Service Police Exam. Mr. Soriano noted that the process is continuing and that the Borough received six (6) applications. Mr. Soriano noted that an Agility test will be administered on April 12 and a Written exam will be administered on April 19, 2008.

Mr. Blatt, Jr. asked for an update on the revisions to the Zoning Ordinance. Mr. Soriano noted that the Planning Commission submitted a draft for review to the Lehigh Valley Planning Commission and comments were received that will require the Planning Commission to revise the draft accordingly.

PRESIDENT'S REPORT

Mr. Rapp offered no Report.

SOLICITOR'S REPORT

Solicitor Lipson noted that he has filed a municipal lien against 1529 Broadway for unpaid delinquent commercial sewer. Attorney Lipson noted that the Borough will eventually receive the money if the property is sold.

Attorney Lipson informed Council that the Borough has received a Notice of a potential Claim filed by a resident who was injured when she stepped into a pothole while walking her dog in an alley around 11:30 p.m. on January 3, 2008. Attorney Lipson noted that the Borough has turned over the matter to their Insurance Company who is investigating the incident.

FINANCE COMMITTEE'S REPORT

Mr. Trotter, Jr. noted that Council received the Financial Report for February 2008.

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Mr. Trotter, Jr. read the Bills Payables for March 2008, for all of the funds: General Fund-\$176,423.21; Sewer Fund-\$58,769.06; Health & Sanitation Fund-\$40,683.51; Liquid Fuels Fund-\$0.

Mr. Trotter, Jr. moved to accept the list of Bills Payables as presented. Motion was seconded by Mr. Grotenhuis. The motion passed by unanimous voice vote.

PUBLIC WORK'S COMMITTEE REPORT

Mr. Rapp read the March 2008 report submitted by Mr. Entler. Mr. Capuano read the hours worked by the crew on the various activities listed for the month, total hours 597. Mr. Rapp explained the various tasks associated with the labor hours.

Mr. Rapp noted that the Committee will meet to continue the process of selecting applicants to fill the Laborer position.

POLICE COMMITTEE'S REPORT

Mr. Rapp offered no report.

HOUSE COMMITTEE'S REPORT

Mr. Blatt, Jr. noted that the Committee did not meet this month.

FIRE COMMITTEE'S REPORT

Mr. Grotenhuis read a report for the month of March 2008 from the Fire Chief consisting of 23 calls, \$2,000 damages and 345 volunteer labor hours.

RECREATION COMMITTEE'S REPORT

Ms. Gifford offered no report.

Mr. Rapp announced that the Little League will hold their opening ceremonies on Saturday, April 12, 2008 at 10:00 a.m.

Mr. Trotter, Jr. asked if anyone had contacted the Iron Pigs to be part of the Little League ceremony. Mr. Rapp noted that the Little League contacted the Iron Pigs, but the Iron Pigs had placed a deadline of April 11, 2008 to hold community events.

HEALTH & SANITATION COMMITTEE

Ms. Halleman read the Sewer and Health & Sanitation report for the month of March, as follows: Garbage Current- \$80,723.49; Garbage Delinquent-\$3,622.59; Recycling Containers-\$60; Grant Recycling-\$0. Total Garbage collections-\$84,406.08. Sewer Residential; Current \$81,444.05; Sewer Residential Delinquent- \$3,199.90; Commercial Current-\$63,633.88; Commercial Delinquent-\$0; Salisbury-\$198.46; Star

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Village Sewer Assessments-\$0; St. Luke's Hospital Pump House Reimbursement-\$0.
Total Sewer collections-\$148,476.29. Grand Total-\$232,882.37.

Mr. Trotter, Jr. questioned the amount of delinquent billed for both garbage and sewer. Mr. Rapp noted that the report may be misleading since the amounts may include amounts not collected in the penalty period.

SPECIAL OR SELECT COMMITTEES

Ms. Halleman stated that parts of the Borough are extremely dirty and the Borough should promote a spring cleanup by erecting banners on Delaware Avenue. Mr. Rapp noted that the cost to purchase these banners would be prohibitive.

SECOND PRIVILEGE OF THE FLOOR

No comments.

ADJOURNMENT

On a motion by Mr. Blatt, Jr. and seconded by Ms. Gifford the meeting was adjourned. The time was 8:00 p.m.